

REMARKS AND DISCUSSION

Upon entry of the present amendment, Claims 1-4 remain in the application, of which, Claims 1, 2 and 4 are independent. Claims 1-4 have been amended by the present amendment.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment C is submitted. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Interview with the Examiner

Applicant thanks the Examiner for the helpful and courteous telephonic interview she conducted with applicant's representative on October 29, 2010, in conjunction with Office Action of July 29, 2010. Prior to conducting the interview, applicant's representative sent, via facsimile, a draft of proposed claim amendments to the Examiner, and requested the Examiner to review the same.

During the interview, that Examiner informed applicant's representative she has reviewed the draft of proposed claim amendments. The Examiner also informed that the proposed claim amendments overcome the 112 issues set forth in the Office Action. As discussed herein, and as suggested by the Examiner, two terminal disclaimers are being submitted with this amendment to obviate the double patenting rejections set forth in the Office Action. Accordingly, since there are no any other issues to be resolved, all pending claims 1-4 are believed to be in condition for

allowance, and the present amendment is believed to place the application in condition for allowance.

Amendments Presented

In the Claims: applicant has amended each of claims 1-4 in an effort to overcome the 112 issues.

Applicant respectfully submits that all of the above amendments are fully supported by the original application. Applicant also respectfully submits that the above amendments do not introduce any new matter into the application, since all of the subject matter thereof was expressly or inherently disclosed in the original specification, claims and drawings.

Claim Rejections – 35 USC 112

In the Office Action (page 2, item 3), the Examiner rejected claims 1-4 under 35 USC §112, second paragraph. It is the Examiner's position that in claims 1-4, terms such as "can be", "so as", "can", "so that", "be able to be" are considered to be indefinite, since in the Examiner's view, such terms do not positively claim the features of the present invention.

Applicant's Response:

As stated above, applicant has amended claims 1-4, herein. Upon careful consideration and in light of the above amendments, applicant respectfully traverses such rejection and submits that the rejection is overcome. Applicant respectfully submits that each of claims 1-4, as amended, clearly and specifically defines the claimed invention, and that each and every claim term now

positively claims the features of the present invention.

For all of the foregoing reasons, applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-4 under 35 USC §112, second paragraph.

Claim Rejections – Double Patenting

1. In the Office Action (page 3, item 5), the Examiner rejected claims 1 and 2 on the grounds of nonstatutory obviousness-type double patenting as unpatentable over claim 1 of US Patent 7,651,175. According to the Examiner's interpretation, although the conflicting claims are not identical, they are not patentably distinct from each other, because in the Examiner's view, claim 1 of US Patent 7,651,175 encompasses claims 1 and 2 of the present application.

2. Also in the Office Action (page 3, item 6), the Examiner provisionally rejected claims 1 and 2 on the grounds of nonstatutory obviousness-type double patenting as unpatentable over claim 1 of the co-pending US Application 10/593,190. According to the Examiner's interpretation, although the conflicting claims are not identical, they are not patentably distinct from each other, since in the Examiner's view, claim 1 of the US Application 10/593,190 encompasses claims 1 and 2 of the present application.

Applicant's Response:

Although, respectfully disagrees with the Examiner's such double patenting rejection, applicant respectfully submits a terminal disclaimer to obviate a double patenting rejection over a "prior" patent, US 7,651,175, and also submits another terminal disclaimer to obviate a provisional

double patenting rejection over a pending “reference” application, USSN 10/593,190.

Based on the foregoing, applicant respectfully submits that the Examiner’s double-patenting rejections have been overcome. As such, applicant respectfully requests that such rejection be reconsidered and withdrawn.

Allowable Subject Matter

In the Office Action (page 3, item 7), the Examiner indicated that claims 1-4 would be allowable if rewritten (amended) to overcome the rejections under 35 USC §112, second paragraph, and double patenting rejection set forth in the Office Action.

Applicant’s Response:

Applicant gratefully acknowledges the Examiner’s indication that claims 1-4 include allowable subject matter. As discussed above, applicant has amended each of claims 1-4 to overcome the 112 issues. Also, as discussed above, two terminal disclaimers are being concurrently filed with this amendment to overcome the double patenting rejections set forth in the Office Action. Accordingly, claims 1-4 are believed to be in condition for allowance.

Conclusion

Applicant respectfully suggests that as presently amended, all of the pending claims are in condition for allowance. It is applicant’s contention that no possible reading of the references, either singly or in any reasonable combination, can be viewed as either teaching applicant’s claimed invention, or rendering applicant’s invention obvious.

For all of the above mentioned reasons, applicant requests reconsideration and withdrawal of all rejections of record, and allowance of the pending claims.


Entry of the present Amendment-C is respectfully requested under 37 CFR 1.116 on the grounds that: the amendment does not raise any new issues for consideration by the Examiner, but instead merely amends the claims to adopt the Examiner's suggestions in order to overcome the indefiniteness rejection, outlined in the Office Action of July 29, 2010, and includes two terminal disclaimers to obviate double patenting rejections, outlined in the Office Action, and therefore, the present amendment is believed to place the application in condition for allowance.

If the Examiner is not fully convinced of the allowability all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable consideration is respectfully requested.

Respectfully submitted,

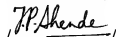
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I hereby certify that this correspondence is being electronically transmitted, via EFS-Web, to the United States Patent and Trademark Office, on October 29, 2010.



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